

NOTE: H.R. 1828, approved December 12, was assigned Public Law No. 108–175.

Statement on Signing the Vision 100—Century of Aviation Reauthorization Act

December 12, 2003

Today, I have signed into law H.R. 2115, the “Vision 100—Century of Aviation Reauthorization Act.” The Act is designed to strengthen America’s aviation sector, provide needed authority to the Federal Aviation Administration (FAA), and enhance the safety of the traveling public.

Subtitle A of title II of the Act amends section 106 of title 49 of the United States Code to abolish the Air Traffic Services Subcommittee of the Federal Aviation Management Advisory Council and creates, separate from the Council, an Air Traffic Services Committee (ATSC). Section 106 as amended vests in the ATSC substantial governmental authority, including the power to approve the FAA’s strategic plan for the air traffic control system, certain large procurements, appointment and pay of the FAA Chief Operating Officer, FAA major reorganizations, and the FAA cost accounting and financial management structure. Under section 106(p)(6)(C), as amended, the members of the abolished Air Traffic Services Subcommittee of the Council automatically become the members of the ATSC, but only to “serve in an advisory capacity,” with the ATSC beginning to exercise non-advisory authority when the ATSC members have been appointed by the President by and with the advice and consent of the Senate. Accordingly, in light of section 106(p)(6)(C), the executive branch shall construe the provisions of section 106(p) and 106(r) that refer to approval or other non-advisory functions of the ATSC to require, from the date of enactment of the Act through the date on which the last Senate-confirmed Presi-

dential appointment is made to the ATSC, only notice to the ATSC and an opportunity for the ATSC to express its views.

Section 106(p)(7)(B)(iii) of title 49, as enacted by section 202 of the bill, purports to limit the qualifications of the pool of persons from whom the President may select ATSC members in a manner that rules out a large portion of those persons best qualified by experience and knowledge to fill the office. Congressional participation in such appointments is limited by the Appointments Clause of the Constitution to the Senate’s provision of advice and consent with respect to Presidential nominees. The executive branch shall construe the provisions concerning qualifications in section 106(p)(7)(B)(iii) as advisory, as is consistent with the Appointments Clause.

Section 47171 of title 49, as enacted by section 304(a) of the Act, purports to mandate the process for cooperation among agencies in the executive branch in conducting environmental reviews for certain airport projects. In particular, section 47171(i) purports to require one part of the executive branch to report to committees of Congress when a second part of the executive branch has not met the first part’s deadlines for action on certain environmental reviews, and then requires the second part to explain to the committees why it did not meet the deadline and what actions it intends to take to complete the relevant matter. The executive branch shall implement section 47171 in a manner and to the extent consistent with the President’s constitutional authority to supervise the unitary executive branch.

The executive branch shall construe and implement section 323(b)(2) of the Act, relating to certain disputes, in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch.

The executive branch shall construe the provisions of section 411(i) of the Act, concerning the provision of executive branch information and records to the National Commission on Small Community Air Service, in a manner consistent with the President's constitutional authority to withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.

The executive branch shall construe and implement section 46111 of title 49, as enacted by section 601(a) of the Act, relating to access to and use of classified information, in a manner consistent with the President's constitutional authority to classify and control access to information bearing on the national security.

The executive branch shall implement sections 702 and 703 of the Act, which relate to the award of certain government scholarships, in a manner consistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment to the Constitution.

Section 44511(f) of title 49, as enacted by section 712 of the Act, requires the Secretary of Transportation to appoint "an

independent governing board" for a 4-year airport cooperative research pilot program. The executive branch shall construe the reference to the board as "independent" to mean independence within the Department of Transportation from the FAA, while the board remains subject to the statutory authority of the Secretary as the head of the Department and the President's constitutional authority to supervise the unitary executive branch. Moreover, the executive branch shall construe the provisions for nomination of candidates for the board by particular officials or organizations as advisory, as is consistent with the Appointments Clause of the Constitution.

The executive branch shall construe as advisory the provisions of section 812(a) of the Act that purport to direct or burden the conduct of negotiations by the executive branch with foreign governments, international organizations, or other entities abroad. Such provisions, if construed as mandatory rather than advisory, would impermissibly interfere with the President's constitutional authority to conduct the Nation's foreign affairs, participate in international negotiations, and supervise the unitary executive branch.

GEORGE W. BUSH

The White House,
December 12, 2003.

NOTE: H.R. 2115, approved December 12, was assigned Public Law No. 108-176.

The President's Radio Address *December 13, 2003*

Good morning. This week I was honored to sign the Medicare Act of 2003, the greatest advance in health coverage for America's seniors since Medicare was founded nearly four decades ago. This new law will give seniors better choices and more con-

trol over their health care and provide a prescription drug benefit.

Beginning in 2006, most seniors now without prescription coverage can expect to see their current drug bills cut roughly in half in exchange for a monthly premium